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Notice of Allowability

Application No.

10/828,670

Examiner

Ljiljana (Lil) V. Ciric

Applicant(s)

COLASSO ET AL.

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 21 April 2004 and the telephonic interview on 2 October 2006.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 20040421 LVC 10-02-06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

LJILJANA CIRIC
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Edward M. Livingston, Reg. No. 28,523, on October 2, 2006.

2. The application has been amended as follows:

In the claims:

Claim 1, line 2: Insert a comma (,) immediately following each of "a predetermined length" and "a predetermined width".

Claim 1, line 4: Immediately preceding "lid", insert -a--.

Claim 1, line 6: Immediately following "opposing sides", insert -of the tank--.

Claim 1, line 8: Immediately following "distal end", insert --, said pivoting arm being pivotally affixed to said crossbar at a location between said proximal end and said distal end—.

Claim 2, line 2: Immediately preceding "said proximal", delete "on" and replace with -at--.

Claim 3, line 1: Delete "of claim 2" and replace with -of claim 1--.

Claim 4, line 1: Immediately following "of claim 3", insert -further comprising a counterweight arm--.

Claim 5, line 1: Immediately following "of claim 3", insert -further comprising a counterweight arm--.

Claim 11, line 1: Delete "of claim 1" and replace with -of claim 3--.

Claim 11, line 2: Delete "attaching" and replace with -securing—.

Claim 12, line 1: Delete "of claim 1" and replace with -of claim 3--.

Claim 12, line 2: Delete "attaching" and replace with -securing--.

Cancel claim 13.

3. The following is an examiner's statement of reasons for allowance:

Art Unit: 3753

The closest prior art of record, i.e., the cited U.S. Patent to Dopler, discloses a storage tank 10 including an open top end and a closed bottom end, and a crossbar 16 affixed across the width of the open top of the tank 16, and also including a pivoting heat exchanger 23 and arm 17—where the heat exchanger 23 and arm 17 pivot relative to the tank, but not relative to the cross-bar. The prior art of record, however, neither discloses nor reasonably suggests a tank wherein a heat exchanger is affixed to a pivoting arm which arm is pivotally affixed the cross bar.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
5. The drawings filed on April 21, 2004 are hereby approved by the examiner.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner can normally be reached on Mondays through Fridays from 10:00 a.m. to 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel, can be reached at 571-272-4929.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LJILJANA CIRIC
PRIMARY EXAMINER